

19-20801

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
COLUMBUS DIVISION**

4441 BROADWAY LLC

4441 Broadway

Grove City, Ohio 43123,

:

CASE NO.: 1:20-CV-998

Plaintiff, : :

-vs- : :

PEKIN INSURANCE COMPANY : JUDGE:
2505 Court Street
Pekin, Illinois 61558,

: :

Defendant. : :

NOTICE OF REMOVAL

Defendant, Pekin Insurance Company, by and through its undersigned counsel, hereby gives notice, pursuant to 28 U.S.C. § 1441 et seq., of the removal of this action from the Court of Common Pleas for Franklin County, Ohio, Case No. 20CV-11-7225, to the United States District Court for the Southern District of Ohio (Columbus Division), based on the following:

1. Plaintiff filed the instant lawsuit on or about November 6, 2020, alleging Breach of Contract, Bad Faith “Claims Handling,” and Bad Faith “Denial” as the result of a coverage denial of its insurance claim.

2. 28 U.S.C. § 1332(a)(1) provides that district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

3. The amount in controversy in this case is in excess of \$75,000, as evidenced in Paragraph 12 of Plaintiff's Complaint.

4. Plaintiff's Complaint satisfies the amount in controversy requirements of 28 U.S.C. § 1332(a)(1).

5. 28 U.S.C. §1441(a) provides in pertinent part that any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court of the United States for the district and division embracing the place where such action is pending.

6. 28 U.S.C. §1332(c)(1) provides in pertinent part that a corporation shall be deemed to be a citizen of any State in which it has been incorporated and of the State where it has its principal place of business.

7. Upon information and belief, 4441 Broadway LLC is organized under the laws in the State of Ohio and has its principal place of business in Ohio. The LLC has two members, Khalid Umar Khan and Muhammad Arif, the former a citizen of Pakistan and the latter an Ohio citizen.

8. Pekin Insurance is not a citizen of Ohio for diversity jurisdiction purposes. Rather, Pekin is a citizen of Illinois, as it is incorporated in Illinois and has its principal place of business in Illinois.

9. Based on the foregoing diversity of all parties, this matter is subject to the original jurisdiction of the Court under 28 U.S.C. §1332, and this case may be removed to this Court pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

10. In compliance with 28 U.S.C. §1446(a), Pekin Insurance has also provided written Notice of Removal to the Court of Common Pleas, Franklin, Ohio, a copy of which is attached to the Notice of Removal as Exhibit A.

WHEREFORE, Defendant Pekin Insurance Company respectfully requests that the above-captioned lawsuit be removed to the United States District Court for the Southern District of Ohio (Columbus Division).

Respectfully submitted,

/s/ J. Patrick Schomaker

J. Patrick Schomaker (0076488)

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Attorney for Defendant, Pekin Insurance

CERTIFICATE OF SERVICE

I hereby certify the foregoing Notice of Removal was filed electronically with the Court this 11th day of December 2020, and below-listed counsel was served electronically by the Court, thereafter.

Kerri L. Keller, Esq.
Brouse McDowell
388 South Main Street, Suite 500
Akron, Ohio 44311
Attorney for Plaintiff, 4441 Broadway, LLC

/s/ J. Patrick Schomaker

J. Patrick Schomaker (0076488)